

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH TUMINELLO,

Plaintiff,

-against-

AETNA LIFE INSURANCE COMPANY,

Defendants.
-----X

Civ. Act. No.: 13 CIV 938 (KBF)(JCF)

NOTICE OF MOTION

DOCUMENT
ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon the Declaration of Wanda Greene Celestine dated July 16, 2013 and Exhibits “A” through “D” annexed thereto, the Declaration of Michael H. Bernstein dated July 18, 2013 and Exhibit “E” annexed thereto, and the accompanying Memorandum of Law, Defendant Aetna Life Insurance Company, by its attorneys, Sedgwick LLP, will move this Court, before the Honorable Katherine B. Forrest at the United States District Court, Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be set by this Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing Plaintiff’s Complaint, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
July 19, 2013

Respectfully submitted,

/s/Michael H. Bernstein

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CERTIFICATE OF SERVICE

I, Julie Kim, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served via ECF and Regular Mail on July 19, 2013, upon the following:

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/s/Julie Kim

JULIE KIM (JK 5700)

Dated: New York, New York
July 19, 2013